

Patent Docket P1003R1C1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

In re Application of Robert Akita et al. Serial No.: 09/825,584 Filed: April 4, 2001 For: ISOLATED NUCLEIC ACIDS, VECTORS AND HOST CELLS ENCODING ErbB3 ANTIBODIES (AS AMENDED)	Group Art Unit: 1642 Examiner: Christopher H. Yaen JUL 29 2002 GROUP 1600 OFFICIAL Certificate of Facsimile Transmission Under 37 CFR 1.101 In accordance with 37 CFR 1.101(d), this correspondence addressed to The Patent and Trademark Office, Washington, DC 20231 is being transmitted to facsimile No. (703) 308-4242. July 26, 2002 Anna Kan Anna Kan
--	---

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

IN THE CLAIMS:

Please cancel claims 1-21 without prejudice or disclaimer.

REMARKS

Responsive to the restriction requirement mailed 7/2/2002, Applicants elect Group IV claims (claims 22-37, 40-41, 44-45, and 48-49) with traverse. Applicants submit that the Group V claims (claims 38-39, 42-43, 46-47 and 50-51) should be examined together with the elected Group IV claims since the Group V claims depend on the Group IV claims, and it is customary for the PTO to examine the nucleic acid, vector and host cell claims together with method claims concerning recombinant production of the polypeptide encoded by the nucleic acid. Such an examination would not impose an undue burden on the Office.

Applicants have canceled the claims from Groups I-III without prejudice.

BEST AVAILABLE COPY

Genentech, Inc.

Genentech, Inc.

Genentech, Inc.

Genentech, Inc.

Genentech, Inc.

FACSIMILE TRANSMITTAL
FAX RECEIVED

JUL 29 2002

OFFICIAL

GROUP 1600

1 DNA WAY

South San Francisco, CA 94080

(650) 225-1994

Facsimile: (650) 952-9881

DATE: July 26, 2002

Please deliver the following Response to Restriction Requirement to:

NAME: Examiner Christopher H. Yaen, Group Art 1642
U.S. Patent and Trademark office
Washington, DC 20231

Fax No.: (703) 308-4242

FROM: Wendy M. Lee
Registration No.: 40,378

RE: U.S. Serial No.: 09/825,584
Our Docket No.: P1003R1C1D1

Number of Pages including this cover sheet - 3

Certificate of Facsimile Transmission Under 37 CFR § 1.8

In accordance with CFR § 1.6(d), this correspondence addressed to The Patent and Trademark Office, Washington, DC 20231 is being transmitted to facsimile No. (703) 308-4242 7/26/2002 Anna Ken

CONFIDENTIAL NOTE

The documents accompanying this facsimile transmission contain information from GENENTECH, INC. which is confidential or privileged. The information is intended only for the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us and the retransmission of them to the intended recipient.

If y u do not receive all pages, please notify Wendy Lee at (650) 225-1994.

BEST AVAILABLE COPY